

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA

V.

Docket No. 2:21-cr-022-1

LOREN SENNA,  
Defendant

**NUN PRO TUNC MOTION FOR EXTRA COMPENSATION FOR INVESTIGATIVE  
SERVICES/ MOTION TO RECONSIDER DENIAL OF SECOND REQUEST FOR  
INVESTIGATOR COMPENSATION**

NOW COMES the Defendant's former attorney, Karen Shingler, Esq., and hereby moves the Honorable Court to grant this Nun Pro Tunc Motion and allow the private investigative firm of Vermont Private Eye to be paid \$9, 621.43 for vital investigative services essential to the extensive preparation required by the Defendant's counsel for the hearings held on his Motion to Suppress filed on September 1, 2021, and, after the Motion was denied, to prepare for trial. In further support hereof Attorney Shingler asserts the following:

On or about March 22, 2021 the Defendant was arrested and appeared before the United States District Court for the District of Vermont for his Initial Appearance after a Criminal Complaint was filed against him. On March 25, 2021 the Defendant appeared before the US District Court and entered a not guilty plea to a one-count Indictment alleging a violation of federal narcotics laws.

Undersigned counsel was assigned to represent Mr. Senna on June 11, 2021 after his request for new counsel was granted.

On September 1, 2021 the Defendant filed a Motion to Suppress evidence obtained subsequent to the motor vehicle stop and his arrest. On September 16, 2021 the government filed a Superseding Indictment adding two counts alleging violations of federal firearms law and, on October 7, 2021, the Defendant plead not guilty to all counts.

The underlying facts of this case are complicated and the evidence derived from investigation of these offenses involved numerous law enforcement agencies, hundreds of radio and phone transmissions among officers and a county-wide search for the person or persons involved in a shooting Old North End on March 21, 2021. Discovery was voluminous and needed to be reviewed and organized in preparation of the Motion Hearing. Compared to other narcotics and firearms cases, the extent of discovery was enormous.

On October 7, 2021 the Defendant filed a Motion for Investigative Services seeking authority to pay Vermont Private Eye (VPE) \$5,000.00. The Court granted the Motion on October 18, 2021.

VPE enthusiastically embraced the investigative work necessary to prepare for the upcoming hearing and subsequent trial. The specifics of the work performed are set out in the three invoices attached hereto and the Description of VTPrivateye LLC Work, authored by Attorney AJ Ruben, the investigator primarily responsible for this case. Attorney Ruben's involvement in this case provided not only expert investigative services but invaluable legal insight as he assisted counsel in preparing for the motion hearing.

Shortly before the motion hearing undersigned counsel left the country for two

weeks for a vacation trip planned well in advance of the hearing. During her absence VPE continued its robust investigation and preparation. Upon her return counsel was provided with extensive de-briefing from VPE that enabled her to be prepared for the suppression hearing.

On December 14, 2021 counsel filed a Second Motion for Investigative Services seeking an additional payment of up to \$12,000.00. On December 16, 2021 the Court denied the Motion without prejudice.

The motion was heard on January 3, and January 14, 2022. On February 25, 2022 the Court largely denied Defendant's Motion.

Counsel continued to prepare for trial relying on the services of VPE until May 6, 2022 when the Defendant sought new counsel. Undersigned counsel was terminated as Defendant's attorney on that date.

Undersigned counsel was recently reminded that VPE provided services to the Defendant for which it has not been paid.

VPE's services were vital and absolutely necessary to the defense.

WHEREFORE respectfully requests the Honorable Court to issue an Order providing for the payment to VPE in the amount of \$9,621.43.

DATED at South Burlington, this 12<sup>th</sup> day of October, 2022.

LOREN SENNA

By: 

Karen Shingler, Esq.  
1233 Shelburne Rd, #C-4  
So. Burlington, VT 05403  
802-865-0654  
shinglerkr@aol.com

**Loren Senna - Description of VTPrivateye LLC work**

VTPI was contracted to provide investigative services regarding Loren Senna's federal firearms and drug case. VTPI worked on Loren's case from September 2021 until March 2022. In November 2021, VTPI billed and was eventually paid \$4994.

VTPI provided an additional \$9,621.43 of investigation in Loren's case, from November 2021 until March 2022, with the understanding that motions for more funds would be filed and granted. The following is a description of the VTPI work done on Loren's case from November 2021 until March 2022, provided to assist Attorney Shingler to file a motion for payment of VTPI's uncompensated time.

Over the course of several months, from November 2021 until March 2022, VTPI staff reviewed hundreds of pages of discovery and hours of video and audio tapes, and drafted analytical memorandum on this discovery for attorney Shingler's use. Discovery review and analysis included several complex Cellebrite cellphone data productions that required significant time and research to utilize and analyze effectively.

VTPI staff traveled to Essex, NY and interviewed Loren and obtained signed releases/authorizations to release information and leads for additional investigation. Contents of the interview with Loren were conveyed to attorney Shingler in the form of phone calls, emails, and a formal memorandum. VTPI staff received several phone calls from Loren while incarcerated and spoke with him by phone, and conveyed information from those conversations to attorney Shingler.

VTPI prepared for and accompanied attorney Shingler to a Jencks meeting with the AUSA and drafted memorandum on the contents of that review for attorney Shingler's use.

VTPI continued to receive communications from Loren and convey that information to attorney Shingler.

VTPI staff communicated regularly with attorney Shingler and met with attorney Shingler in person several times during this period to discuss status and work plan for Loren's defense.

VTPI staff investigated the basis for the Motion to Suppress, including scene visits, online and satellite mapping and measuring, and generating video, photographic, and graphic evidence to support the Motion to Suppress; drafted memorandum on evidence supporting Motion to Suppress.

VTPI staff prepared flash drives with evidence and documents and provided to attorney Shingler for support during Motion to Suppress and ongoing litigation.

VTPI staff consulted with attorney Shingler regarding witness preparation, plea negotiations, and Loren's priorities for his defense.

VTPI assisted in an effort to obtain DCF records relating to prior police contact with Loren.

VTPI investigators researched key witnesses, such as Ashley Mason and Matt Lessard, and produced memorandum detailing social media, criminal and general histories of relevant witnesses.

VTPI investigators made several efforts to contact and interview Ms. Mason. VTPI investigators notified Ms. Mason about specific information, such as tax records and paystubs, that were sought in support of Loren's defense.

**VTPrivatEye, LLC**

PO Box 122

Burlington, VT 05402 US

802.793.9367

susan@vtprivateye.com

www.vtprivateye.com

**INVOICE****BILL TO**

Karen Singler, Esq.

Law Office of Karen Shingler

1233 Shelburne Rd Suite C-

4, South Burlington, VT

05403.

**INVOICE #** 2021-816**DATE** 11/30/2021**DUE DATE** 12/30/2021**TERMS** Net 30**CASE**

Loren Senna

DATE	ACTIVITY	QTY	RATE	AMOUNT
11/16/2021	<b>Investigation Income</b> consulted recredit card thumbdrive access and iPhone dump report'; email with attorney Shingler pre- meeting; finished drafting memo of Federal Public Defender discovery review, printed it out for attorney Shingler and uploaded to box; meeting with attorney Shingler in office and calendared Dec. 17th suppression hearing; travel to US attorney office; meet with AUSA Cate and attorney Shingler, reviewed Jencks materials, RT to office, debrief with team; reviewed email from US attorney office on jail calls needing a new disc and emailed with attorney Shingler on meeting next week; scanned and sent to attorney Shingler and uploaded government's opposition to motion to suppress; texted Ashley Mason on meeting today; updated contact list; worked on being able to open the iPhone dump and need to follow up with US attorney's	6.10	110.00	671.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	office on that, noted; reviewed and made notes on opposition to motion to suppress; emailed with attorney Shingler on meeting next week, updated team; repeatedly attempted to download discovery from DOJ flash drive, examined cellubrite data.			
11/17/2021	<b>Investigation Income</b> emailed with attorney Shingler on Loren's query about warrants for phones and meeting on Tuesday; continue reviewing Opp. Mot to Suppress and drafting memo.	0.30	110.00	33.00
11/18/2021	<b>Investigation Income</b> finished drafting memo on motion to suppress and email to attorney Shingler, upload to Box; attended cellebrite training in order to provide investigative support on Loren's phone extractions, memo to team and uploaded.	3.30	110.00	363.00
11/19/2021	<b>Investigation Income</b> worked on Samsung phone disclosure and Cellebrite reader, began notes; due to computer crash will revisit, revisited and continued review and notes on Cellebrite report; drafted memo on Jenks meeting and emailed to attorney Shingler and uploaded; continued review and notes on phone warrants per attorney Shingler request.	3	110.00	330.00
11/22/2021	<b>Investigation Income</b> discovery review and notes taken	1	110.00	110.00
11/22/2021	<b>Investigation Income</b> continued discovery review of Samsung with Cellebrite, continuing effort on iPhone dump; reviewed and replied reiPhone dump update and identified work plan for attorney Shingler visit tomorrow; continued working with cellebrite to document important evidence, notes	2	110.00	220.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	made as well and uploaded notes and PDFs from Cellebrite to box; attempted to extract cellubrite data			
11/23/2021	<b>Investigation Income</b> emailed with attorney Shingler on postponing today's meeting, worked on accessing iPhone Cellebrite information and begin reviewing; follow up emails with attorney Shingler; worked on getting thumbdrive with iPhone dump to work on my laptop, took thumbdrive home to review on Cellebrite for iPhone information.	0.70	110.00	77.00
11/24/2021	<b>Investigation Income</b> emailed with attorney Shingler on Monday meeting.	0.10	110.00	11.00
11/27/2021	<b>Investigation Income</b> emailed update to SWR on work plan and attorney Shingler visit Monday; continued reviewing and organizing evidence for Motion to Suppress hearing meeting on Monday with attorney Shingler, updated memo in box.	1.50	110.00	165.00
11/28/2021	<b>Investigation Income</b> attempted for a long time to get the iPhone cellebrite information to run on home office computer, no success, reviewed notes for tomorrow's meeting with attorney Shingler.	1	110.00	110.00
11/29/2021	<b>Investigation Income</b> texted Ashley Mason again for tax/work documents for Loren and updated contact list; get materials together for Karen Shingler visit and continue working on iPhone cellebrite review.; texted more with Ashley M. and arranged meeting today at VTPI office; met with attorney Shingler and BTieso, developed work plan, discovery provided; continued reviewing iPhone video and tagging relevant videos; uploaded exhibits from gov't's opposition to	6.70	110.00	737.00



DATE	ACTIVITY	QTY	RATE	AMOUNT
	motion to suppress for review and memo later; conferred on discovery copying for attorney Shingler and upload suppression exhibits and axon camera videos; drafted memo re: meeting with Karen Shingler; downloaded and collated case information from K. Shingler			
11/30/2021	<b>Investigation Income</b> prepared flash drive and documents for delivery to K. Shingler; reviewed and replied to attorney Shingler on her email to AUSA on suppression motion evidence and witnesses and plea negotiations.	1.20	110.00	132.00
BALANCE DUE				<b>\$2,959.00</b>

**VTPprivateye, LLC**

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**INVOICE****BILL TO**

Karen Shingler, Esq.

Law Office of Karen Shingler

1233 Shelburne Rd Suite C-

4, South Burlington, VT

05403.

**INVOICE #** 2021-794**DATE** 11/16/2021**DUE DATE** 12/16/2021**TERMS** Net 30**CASE**

Loren Senna

DATE	ACTIVITY	QTY	RATE	AMOUNT
10/26/2021	<b>Investigation Income</b> supplemental discovery upload; submitted to box for attorney review; emailed re new discovery coming from attorney Shingler and logistics for Thursday's visit at Essex; rescheduled visit at Essex to 9:30 a.m.; reviewed and notes taken on 637, 648 , 652, 657, 667 and 676 cruiser videos.	6.80	110.00	748.00
10/27/2021	<b>Investigation Income</b> emailed with attorney Shingler on information to convey to Loren following day; continued reviewing newly provided discovery, augmented notes for use in client meeting, further logistics discussion with team re materials	1.30	110.00	143.00
10/28/2021	<b>Investigation Income</b> traveled from Pittsfield, VT to Essex Jail in Lewis, NY; interviewed Loran Senna , brief email to attorney Shingler with update, return trip and work plan discussion scanned and uploaded release authorization from client; uploaded ferry receipts;	7.20	110.00	792.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	emailed re: rifle in backpack issue. [AJR]			
10/28/2021	<b>Ferry Toll</b> Charlotte, VT Essex, NY Rt on ferry [BDT]	2	16.25	32.50
10/28/2021	<b>CC Surcharge</b> Pittsfield, VT - Lewis NY round trip	147	0.56	82.32
10/29/2021	<b>Investigation Income</b> developed detailed and comprehensive intake interview memo of L. Senna intake interview; submitted for attorney review.	6.80	125.00	850.00
10/29/2021	<b>Investigation Income</b> developed and finished intake memorandum for L. Senna; reviewed and edited intake memo, sent on to Atty Shingler	6.30	110.00	693.00
11/01/2021	<b>Investigation Income</b> received collect call request from client, provided credit card info, multiple attempts and automated hang-ups; finally spoke to Loren, he wanted to convey concern about phone searches without warrant; advised client on next steps, including follow up with Ashley on kids and tax forms, client agreed; emailed information on the call to defense team.	0.40	110.00	44.00
11/02/2021	<b>Investigation Income</b> emails on next steps with investigation; reviewed email to attorney Shingler on potential DCF record request for Loren's history; prepare to call Ashley Mason, work on current phone number from client interview; tried number for Ashley Mason, left message, updated Box; reviewed Federal discovery photos not reviewed yet and save gun case photos; ran TLO and Odyssey for Matt Lessard; research for phone call with A. Mason, L. Senna's ex-girlfriend.	2.30	110.00	253.00
11/04/2021	<b>Investigation Income</b> attempted contact with Ashley	1.20	110.00	132.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Mason, ran TLO for numbers, tried several, noted negative responses, emailed re our ability to call Loren in Essex; continued reviewing discovery from d. McColgin/Federal Public Defender thumb drive and took notes; received and replied to wrong number calls from our effort to speak with Ashley, updated team; emailed to attorney Shingler regarding Ashley Mason number if Karen calls Loren soon, and offer to obtain new discovery and assist as requested with upcoming Motion to Suppress hearing; emailed with attorney Shingler about reviewing phone call evidence at SBPD next week.			
11/08/2021	<b>Investigation Income</b> emailed to attorney Shingler on next steps and follow up to her email last week; called and left message for Loren to try and call me at Essex jail, updated contact list email atty Shingler about Loren's repeated collect calls to me.	0.30	110.00	33.00
11/09/2021	<b>Investigation Income</b> emailed attorney Shingler for follow up on SBPD phone call review and work plan; spoke with attorney Shingler, notes into memo and uploaded to box, plan to continue discovery review and set meeting to discuss further, attorney Shingler will contact Loren for Ashley Mason phone number.	0.30	110.00	33.00
11/10/2021	<b>Investigation Income</b> reviewed notes from call with attorney Shingler from Monday and set reminder to follow up tomorrow for meeting time next week.	0.30	110.00	33.00
11/11/2021	<b>Investigation Income</b> emailed with attorney Shingler on next Tuesday's meeting with AUSA; continued reviewing federal public defender thumbdrive evidence and notes made.	2.30	110.00	253.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
11/15/2021	<b>Investigation Income</b> finished reviewing discovery from Federal Public Defender and notes made, plan to follow up with team prior to Tuesday's attorney meeting; emailed re discovery follow from weekend review; obtained Ashley Mason number from atty Shingler via email and replied regarding meeting tomorrow, updated contact list with Ashley M. number, called, no voicemail; called back and spoke to Ashley, agreed to have her get us tax and pay records tomorrow afternoon, updated team, updated contact list.	2	110.00	220.00

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BALANCE DUE**\$4,341.82**

**From:** quickbooks@notification.intuit.com,

**To:** shinglerkr@aol.com,

**Cc:** susan@vtprivateye.com,

**Subject:** Invoice 2021-876 from VTPrivateye, LLC - Loren Senna

**Date:** Thu, Oct 6, 2022 11:24 pm

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INVOICE 2021-876 DETAILS

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VTPrivateye, LLC

DUE 04/01/2022

**\$2,321.00**

Print or save

Powered by QuickBooks

Hi again,

Here's the third one. Thanks!

Susan

VTPrivateye, LLC

**Bill to**

Karen Singler, Esq.  
Law Office of Karen Shingler  
1233 Shelburne Rd Suite C-4, South  
Burlington, VT 05403.

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**Terms**

Net 30

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**Case**

Loren Senna

12/01/2021

**Investigation Income**

\$176.00

reviewed and replied to attorney Shingler re next steps; reviewed discovery for Det. Crispin report and details of stop, locate, reviewed and saved as pdf, emailed to attorney Shingler with note on import and plan for next week scene visit and analysis; delivered thumb drive to K. Shingler

1.60 X \$110.00

12/02/2021

**Investigation Income**

\$264.00

emailed with attorney Shingler on discovery hand off today; emailed with attorney Shingler regarding State case discovery; met with K. Shingler re: radio transmission and next steps; developed memo re: meeting with K. Shingler; downloaded, collated, and stored radio transmission from file delivered by K. Shingler

2.40 X \$110.00

12/05/2021

**Investigation Income**

\$44.00

updated K. Shingler re our overage on hours and DCF record request and Dec.17th suppression motion information

0.40 X \$110.00

12/06/2021

**Investigation Income**

\$66.00

discussed case at staff meeting; detailed discussion with team on site visit plan for Wednesday and deliverables; fieldwork prep

0.60 X \$110.00

12/08/2021

**Investigation Income****\$352.00**

discussed work on suppression motion investigation and agreed on follow up work plan, diagrams and scene video, reviewed, edited stop memo; developed satellite imagery analysis of pursuit and traffic stop; submitted for edits and review.

3.20 X \$110.00

12/09/2021

**Investigation Income****\$44.00**

edited the satellite analysis memo, emailed to attorney Shingler and team, updated in box.

0.40 X \$110.00

12/10/2021

**Investigation Income****\$902.00**

video and evidence gathering at stop scene; draft generated of scene visit memo; emailed update and work plan; conducted pursuit reconstruction at 10 Forest St.; developed memoranda re: pursuit reconstruction

8.20 X \$110.00

12/13/2021

**Investigation Income****\$66.00**

received email from attorney Shingler, responded

0.60 X \$110.00

12/17/2021

**Investigation Income****\$77.00**

emailed with attorney Shingler on parameters of requested Hit List memo; drafted hit list memo and forwarded to attorney Shingler, uploaded to Box.

0.70 X \$110.00

12/29/2021



**Investigation Income****\$33.00**

emailed attorney Shingler re request for motion for funds and update on suppression hearing; reviewed and replied to attorney Shingler query on Ashly Mason contact info.

0.30 X \$110.00

01/02/2022

**Investigation Income****\$88.00**

emailed with attorney Shingler on discovery for tomorrow's hearing, look for files, follow up email.

0.80 X \$110.00

01/19/2022

**Investigation Income****\$77.00**

discussion re last billing email from attorney Shingler, waiting for update from attorney Shingler on next steps.

0.70 X \$110.00

03/02/2022

**Investigation Income****\$132.00**

emailed attorney Shingler for update; received and replied to attorney Shingler update, fwd to SWR, reviewed Order and replied to attorney Shingler, forwarded with analysis to team and uploaded.

1.20 X \$110.00

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**Balance due      \$2,321.00****Print or save**

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**VTPivateye, LLC**